

# Notice of Allowability

Application No.

09/917,205

Examiner

Thomas M Sember

Applicant(s)

LAYNE ET AL.

Art Unit

2875

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 07/19/2004.
2. ☒ The allowed claim(s) is/are 3,27,29,31 and 38-45.
3. ☒ The drawings filed on 30 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

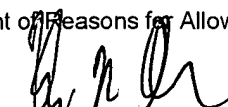
\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Thomas M Sember  
Primary Examiner  
Art Unit: 2875

1. **Reasons for Allowance**

2. The following is an examiner's statement of reasons for allowance: None of the prior art of record teaches or fairly suggest applicant's claimed invention for the reasons stated in applicant's amendment and response filed on 05/17/04 and examiner's reasons set forth below.

**Independent claim 27**

3. Usher et al discloses a base having a lamp channel 18 for receiving a lamp 14. An electrically conductive contact member has a first portion 30 and second portion 26. The first portion 30 of the contact member is arranged in the lamp channel for contacting the lamp. The second portion 26 of the contact member contacts an electrical conductor in the track frame. A retention piece 19 secures the contact member within the base.

4. However Usher et al doesn't disclose "an adaptor portion connected to the base, the adaptor portion having a retention piece channel for receiving the retention piece, wherein the contact member further comprises a third portion connecting the first portion to the second portion, the third portion arranged in the retention piece channel." as now claimed in claim 27.

**Independent claim 35**

Regarding claim 35, Usher et al discloses a means, having a lamp channel 18, for receiving a lamp 14 within the lamp channel. Means, for contacting the lamp (26 and 28) in the lamp channel and for removably contacting an electrical conductor (29

and 30) in the track frame; and means 17 and 21 (resilient) for securing the contacting means with the receiving means; a retaining channel 17, for retaining the securing means within the retaining channel;

However, Usher et al doesn't disclose "wherein the retaining channel means further comprises means for engaging with the track frame." as now claimed in applicant's independent claim 35.

### **Independent claim 43**


Independent claim 43 is allowable for the reasons set forth in this office action, applicant's amendment and response and examiner's reasoning in the previous prosecution of this application

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-305-4939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M Sember  
Primary Examiner  
Art Unit 2875

\*\*\*